

## REMARKS

The December 10, 2008, non-final action sets forth a four-way restriction of claims defined by the following groups:

Group I: claims 1-16 and 41-43 are "drawn to a catalytic composite comprising a non-zeolite support structure, having specific void fraction, surface area, and shape, wherein 0.1% to 10% by weight is a catalytically active Group VIII metal;"

Group II: claims 17-23, 30-34, and 36-40 are "drawn to an oligomerization process using the catalytic composite of Group I;"

Group III: claims 24-29 and 44-47 are "drawn to a hydrogenation process using the catalytic composite of Group I;" and,

Group IV: claim 35 is "drawn to an oligomerization and hydrogenation process using the catalytic composite of Group I."

See the Action at 2. The action also requires the applicants to elect a species from each of the following:

- A. Type of inorganic oxide in the support structure of the catalytic composite (corresponding to claims 4 and 5).
- B. Type of metal salt as the catalytically active Group VIII metal in the catalytic composite (corresponding to claims 9 and 10).
- C. Type of catalytically active species used in the catalytic composite (corresponding to claims 11 and 12).
- D. Type of process used in the oligomerization process (corresponding to claims 31 and 32).

See *id.* at 3-4. According to the action, claim 1 is generic to species A, B, and C, and claim 30 is generic to species D. *Id.* at 4.

The restriction/election-of-species requirements are moot in view of the foregoing amendments and following remarks describing the applicants elections.

This paper is timely filed as it is accompanied by a petition under 37 CFR § 1.136(a) for an extension of time to file in the second month, and payment of the required extension fee.

**I. Summary of the Amendments to the Claims**

Claim 1-16, 24-29, 35, and 41-47 have been canceled, without prejudice. These claims defined Groups I, III, and IV of the restriction requirement set forth in the action. Accordingly, thirty (30) claims are canceled herein.

As examined, each of claims 17, 36, and 40 depended from claim 1. Claim 1 has been canceled herein. Each of claims 17, 36, and 40 has been amended herein to recite the catalytic composite previously recited in claim 1.

Independent claim 30 has been amended to more clearly refer to the C<sub>6</sub> to C<sub>18</sub> alkene in clause (a) (specifically to present "6" and "18" as subscripts), and to change a verb tense in the clause (b)(ii) ("comprise" is now "comprising"). Further, clause (b) of claim 30 has been amended to clearly specify that the C<sub>6</sub> to C<sub>18</sub> alkene obtained in step (a) is contacted with "a second catalytic composite *and hydrogen*" (emphasis supplied). The recitation of "and hydrogen" was inadvertently deleted from the claim in the preliminary amendment filed October 30, 2006.

Twenty-eight (28) claims are newly added and are numbered 48-75. These claims represent four sets of repeating claims, each set dependent upon one of process claims 17, 30, 36, and 40. New claims 48, 55, 62, and 69 recite subject matter previously recited in now-canceled claims 3 and 4. New claims 49, 56, 63, and 70 recite subject matter previously recited in now-canceled claim 6. New claims 50, 57, 64, and 71 recite subject matter previously recited in now-canceled claims 7 and 16. New claims 51, 58, 65, and 72 recite subject matter previously recited in now-canceled claims 8 and 10. New claims 52, 59, 66, and 73 recite subject matter previously recited in now-canceled claims 11 and 12. New claims 53, 60, 67, and 74 recite subject matter previously recited in now-canceled claims 9 and 13. New claims 54, 61, 68, and 75 recite subject matter previously recited in now-canceled claims 14 and 15.

The foregoing claim amendments *do not* introduce new matter into the application or into the claims.

Prior to entry of the foregoing amendment, the applicants submitted payment for the examination of three independent claims and 47 total claims. Upon entry of the foregoing amendments, thirty (30) claims will have been canceled, and twenty-eight (28) claims will have been newly added. Also upon entry of the foregoing amendments, the application will have four independent claims pending. Submitted herewith is payment in the amount of \$110 to cover the fee set forth at 37 CFR § 1.16(h) for examination of one independent claim in excess of three.

Following entry of the foregoing amendments, claims 17-23, 30-34, 36-40, and 48-75 will be pending.

**II. Elections**

Pursuant to the requirements of 37 CFR § 1.143, the applicants hereby elect the invention defined in the action as Group II for further prosecution. The following claims read on this election: 17-23, 30-34, 36-40, and 48-75.

With respect to the species elections, the applicants elect "α-alumina" as the inorganic acid, and respectfully submit that claims 48, 55, 62, and 69 read on that election, and that claims 17, 30, 36, and 40 are generic to that election. Further the applicants elect "metal sulphate" as the metal salt, and respectfully submit that claims 51, 58, 65, and 72 read on that election, and that claims 17, 30, 36, and 40 are generic to that election. Still further, the applicants elect "nickel sulphate" as the catalytically active species, and respectfully submit that claims 52, 59, 66, and 73 read on that election, and that claims 17, 30, 36, and 40 are generic to that election. Furthermore, the applicants elect a process carried out in a single catalytic distillation column, and respectfully submit that claim 31 reads on that election, and that claim 30 is generic to that election.

**CONCLUSION**

In view of the foregoing, the applicants respectfully request cancellation of claims 1-16, 24-29, 35, and 41-47, entry of the amendments to claims 17, 30, 36, and 40, entry of new claims 48-75, and an early and favorable action on the merits.

Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, the examiner is urged to contact the undersigned attorney.

Respectfully submitted,

**MARSHALL, GERSTEIN & BORUN LLP**

**March 10, 2009**

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